IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

MISCELLANEOUS PETITION NO.21 OF 2003

IN

PETITION NO.618 OF 2001

WITH

MISCELLANEOUS PETITION NO.22 OF 2003

IN

PETITION NO.617 OF 2001

Krishna Pratapsingh Udaypal Singh ...Petitioner

v/s

Ravindra Kumar Lal Pratap Singh ...Respondent

Mr Ajay Tripathi for Petitioner.

Mr Cyrus Ardeshir with Ms Falguni Thakkar i/b M/s Rustomji and Ginwalla for Respondent.

CORAM : D.K. DESHMUKH J.

DATE : 14TH JULY 2006.

P.C. :-

1. These petitions have been filed for revoking probates of wills of deceased Raghunathibai and Rajpatibai, both widows of Sukhdevsingh. The petitioner claims to be entitled to file these petitions because he claims to be heir of deceased's widow and also on the ground that the will is left behind by both the widows in his favour. Perusal of the family genealogy which is produced by the petitioner himself shows that he is grandson of the brother of the widow. Obviously therefore, he is not falling within first category for succession. So far as the claim that there is a will left behind by both the widows in favour of the petitioner is concerned, admittedly, the petitioner has not filed petition for obtaining probate and he would become entitled for benefits if he succeeds in getting probates. In view of the provisions of section 220 of the Succession Act, the administrator becomes entitled to all rights belonging to the intestate. In my opinion, both the petitions have no substance, they are dismissed. The petitioner in both the petitions is directed to pay costs of these petitions to the respondents. The costs in each petition is quantified for Rs.25,000/-.

. Parties to act on the copy of this order duly authenticated by the Associate / Private Secretary as true copy.

. Certified copy expedited.